

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
July 8, 2010

The Twin Platte Natural Resources District (TPNRD) Board of Directors meeting was held at the W.W. Wood Building on the North Campus of the North Platte Community College, 1101 Halligan Drive, North Platte, Nebraska on July 8, 2010. Mr. Rubenthaler called the meeting to order at 7:32 pm CDT (6:32 pm MDT). A legal notice of the meeting was published in the NORTH PLATTE TELEGRAPH. A news release containing the agenda for the meeting and including the time and place was sent to the news media in the District.

BOARD MEMBERS PRESENT

Jim Meisner
Bob Petersen
Jim Rubenthaler
Dennis Schilz
Doug Stack
Shane Storer
Joe Wahlgren
Bob Wiseman

BOARD MEMBERS ABSENT

Eric Hansen
Dale Margritz
Jerry Weaver

NRCS PERSONNEL PRESENT

Mary Reece

STAFF PRESENT

Ann Dimmitt, Water Programs Regulatory Coordinator
Amy Mapes, Administrative Assistant
Kent Miller, General Manager

OTHERS PRESENT

Brad Johnson, Sargent Irrigation - Grant

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Rubenthaler reported that the Nebraska Open Meeting Act requires public bodies to make available at least one current copy of the Open Meeting Act posted in the meeting room at a location accessible to members of the public, and at the beginning of the meeting the public shall be informed about the location of the posted information. Mr. Rubenthaler reported that the current Open Meeting Act was in the back of the meeting room and accessible to members of the public.

Report of Directors Excused – Mr. Rubenthaler reported that Operating Policy Number 4: BOARD OF DIRECTORS ABSENCES provides that a Director will be considered excused if the Director notifies the office prior to the meeting that he will be absent and that the minutes

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will reflect whether an absent Director is excused or unexcused. Mr. Rubenthaler reported that Mr. Hansen and Mr. Margritz notified the office that they would be absent and are therefore excused. Mr. Weaver notified Mr. Miller the morning after the meeting that his vehicle became stuck in the Sandhills with no cell service and was unable to get back to town until after the meeting. He was therefore excused also.

Distribution of Information – Mr. Rubenthaler reported that handouts were available for the public in the back of the meeting room.

Other Announcements – Mr. Rubenthaler reported that the monthly summary report of Natural Resources Conservation Service conservation plans was available for information and that the report would be passed around the Board table for review by each member of the Board of Directors present.

PUBLIC FORUM

Mr. Rubenthaler opened the Public Forum. There were no comments. Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

Pathfinder Reservoir – Wyoming - Mr. Miller showed pictures and a video he had taken of Pathfinder Reservoir in Wyoming spilling on July 1, 2010. Mr. Miller reported that the last time Pathfinder Reservoir had spilled was in 1983.

BOARD OF DIRECTORS MINUTES

Minutes for June 10, 2010 Meeting – Mr. Rubenthaler reported that the Minutes for the June 10, 2010 meeting were in the Directors’ packet and he asked if there were any corrections or additions.

Mr. Stack moved that the Minutes of the June 10, 2010 Board of Directors meeting be approved. Mr. Wahlgren seconded the motion. The motion carried. (Motion #1)

Aye: Meismer, Petersen, Rubenthaler, Schilz, Stack, Wahlgren, Wiseman
Nay: None
Absent & Excused: Hansen, Margritz, Weaver
Out of Room: Storer

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REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report – Mary Reece, District Conservationist, distributed and reviewed a report.

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT

Land Resources SubCommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

Water Resources SubCommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, presented a report for the subcommittee meeting held on July 8, 2010.

Ground Water Management – Variances – Requests – Tom Kalkowski – Mr. Meismer reported that the TPNRD received a request for a variance from Tom Kalkowski. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Tom Kalkowski for a new well permit that will allow him to pump greater than 50 gpm. Mrs. Dimmitt reported that this well is located on the NW¼ SW¼ Section 25, Township 13 North, Range 41 West, Keith County, Nebraska. Mrs. Dimmitt reported that upon completion of drilling a domestic well at his shop, Mr. Kalkowski decided that he would like to pump more than 50 gpm during certain times of the year. Mrs. Dimmitt reported that Mr. Kalkowski asked Sargent Irrigation if he could put a 5 hp pump on his well instead of a 3 hp pump so he could pump more than 50 gpm and they said not unless he had permission from the TPNRD. Mrs. Dimmitt reported that Mr. Kalkowski is requesting a variance from the board to have a larger pump on his already drilled domestic well, so he could have the ability to fill sprayers and to wash out his 50' x 100' shop occasionally. Mrs. Dimmitt reported that the primary use of this well would be for domestic purposes, and the ability to pump greater than 50 gpm would be a secondary use. Mrs. Dimmitt reported that this variance is for a well permit to pump approximately 100 gpm which would allow Mr. Kalkowski to fill his sprayers in a more timely fashion, and the ability to use his well for the domestic needs of his shop. Mrs. Dimmitt reported that in the Directors' Board meeting notebook was an aerial photo of the area.

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Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Tom Kalkowski for a new well permit that will allow him to pump greater than 50 gpm from an existing well located on the NW¼ SW¼ Section 25, Township 13 North, Range 41 West, Keith County, Nebraska, conditioned on; (1) completion of an application for a variance to drill a new ground water well permit; (2) payment of the fifty dollar (\$50) non-refundable well permit fee; (3) Tom Kalkowski providing the TPNRD proof of ownership, and (4) Tom Kalkowski executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties. Mr. Schilz seconded the motion. The motion carried.
(Motion #2)

Aye: Meismer, Petersen, Rubenthaler, Schilz, Wahlgren, Wiseman
Nay: Stack
Absent & Excused: Hansen, Margritz, Weaver
Abstain: Storer

Ground Water Management – Violations – Mr. Meismer asked Mrs. Dimmitt to report on violations.

Mrs. Dimmitt reported that 12 potential violations have been identified from the aerial photos. Mrs. Dimmitt reported that letters will be sent and she reviewed the process in regard to violations.

Ground Water Management – Certified Irrigated Acres – No report presented.

Meetings – Mr. Meismer reported that the CPNRD, NPNRD, SPNRD, TBNRD, TPNRD, and the NE Department of Natural Resources has scheduled a meeting related to the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska for July 27, 2010. Mr. Miller reported that the meeting would be at 1:00 p.m. CDT, at the Gothenburg Water Utilization Learning Center (Monsanto), 76268 Highway 47, Gothenburg, Nebraska.

Mr. Meismer reported that in the Directors’ Board meeting notebooks for information was the first annual report for the TPNRD that will be presented during the Basin Meeting. Mr. Meismer reported that Mrs. Dimmitt prepared the report for the TPNRD and he asked Mrs. Dimmitt to review the report.

Mrs. Dimmitt reported that the TPNRD report meets the requirements of the TPNRD Integrated Management Plan for the Basin meeting. Mr. Dimmitt reported that this initial report is for the TPNRDs activities January 2006 through December 2009. Mr. Dimmitt reported that each year thereafter, the annual report will be for that calendar year.

Mr. Meismer reported that in the Directors’ Board meeting notebooks for information was the first annual report for the Nebraska Department of Natural Resources. Mr. Meismer reported that the report meets the requirements of the CPNRD, NPNRD, SPNRD, TBNRD, and TPNRD

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Integrated Management Plans for the Basin meeting.

Mr. Meismer reported that in the Directors’ Board meeting packet for information was a letter from the Central Nebraska Public Power and Irrigation District dated June 28, 2010 sent to the CPNRD, NPNRD, SPNRD, TBNRD, TPNRD, and the Nebraska Department of Natural Resources that will be presented during the Basin meeting.

Aerial Geophysical Mapping - Status / Funding – Mr. Meismer reported that SkyTEM, the Danish company who did data acquisition this summer in the panhandle, to determine if they meet the requirements of the USGS, did meet the requirements of the USGS. Mr. Meismer reported that the NPNRD, the SPNRD, and the TPNRD were able to then use this company, while they were in Nebraska, at a reduced cost for flying the areas desired by the NRDs. Mr. Meismer reported that SkyTEM recently completed the two areas within the TPNRD located at the Western Irrigation District and below Kingsley Dam. Mrs. Dimmitt showed pictures she had obtained and showed the video from a KNOP-TV news report.

Mr. Miller reported that Rod Horn, General Manager SPNRD, Ron Cacek, General Manager NPNRD, Jim Cannia – Hydrologist – USGS, and he would be meeting this summer to determine priorities and funding for analyzing the data obtained this summer and for obtaining additional data and analysis. Mr. Miller reported that options for funding would be directly from the USGS, earmarked funds from Congress through Senator Ben Nelson, and funding from the Nebraska Environmental Trust.

Aerial Geophysical Mapping - Interlocal Cooperation Agreement - No report presented.

Integrated Management Plan (IMP) - Timeline – Mr. Meismer reported that the current timeline for developing and implementing revised Rules & Regulations is follows:

<u>Task</u>	<u>Dates</u>
Effective Date of IMP	Sept 15
Water Subcomm./Board – Develop Rules & Reg.	Apr. 8
Process Variances – Current Rules & Reg. (plus other conditions)	Apr. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Apr. 8</i>
NE DNR - Submit Preliminary Draft for Review	Apr. 9
Water Subcomm./Board – Develop Rules & Reg.	May 13
Process Variances – Current Rules & Reg. (plus other conditions)	May 13
<i>Water Subcomm. – Offsets Options</i>	<i>May 13</i>
NE DNR – Comments Deadline	June 1
Water Subcomm./Board – Develop Rules & Reg.	June 10
Process Variances – Current Rules & Reg. (plus other conditions)	June 10
<i>Water Subcomm. – Offsets Options</i>	<i>June 10</i>
Legal Counsel - Submit Current Draft for Review	June 11

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Legal Counsel – Comments Deadline	July 1
Water Subcomm./Board – Develop Rules & Reg.	July 8
Process Variances – Current Rules & Reg. (plus other conditions)	July 8
<i>Water Subcomm. – Offsets Options</i>	<i>July 8</i>
Legal Counsel - Submit Current Draft for Review	July 9
NE DNR - Submit Current Draft w/Rev for Review	July 9
Legal Counsel – Comments Deadline	Aug 2
NE DNR – Comments Deadline (Rev only)	Aug 2
Water Subcomm./Board – Approve Rules & Reg. for Pub. Hearing	Aug 12
Process Variances – Current Rules & Reg. (plus other conditions)	Aug 12
<i>Water Subcomm. – Offsets Options</i>	<i>Aug 12</i>
Legal Counsel – Request to Prepare Draft Order for Rules & Reg.	Aug 13
Legal Counsel – Draft Order Deadline	Sept 1
Public Hearing - Rules & Reg.	Sept 9
Board – Approve Rules & Reg. Order	Sept 9
Process Variances – Current Rules & Reg. (plus other conditions)	Sept 9
<i>Water Subcomm. – Offsets Options</i>	<i>Sept 9</i>
Publish Rules & Reg. Order in NP Telegraph	Sept 16, 23, 30
Effective Date for Rules & Reg. Rev.	October 8

Integrated Management Plan (IMP) - Rules and Regulations – Mr. Meisner reported that the latest draft for revisions of the Rules and Regulations discussed by the Subcommittee on June 10, 2010 were included with the Directors’ Board meeting packet.

Mr. Meisner reported that the Subcommittee continued their review of the Rules and Regulations.

Mr. Meisner reported that the Subcommittee agreed to report to the Board of Directors that they would continue to provide to the full Board drafts of the Rules and Regulations prior to approval of the Rules and Regulations to take to a public hearing.

Integrated Management Plan (IMP) - Offset Water – Mr. Meisner reported that the Subcommittee did not have time continue discussion of potential options for offset water.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

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FINANCIAL REPORT

Financial Statement - Mr. Meismer reported that the Financial Statement for June 2010 was in the Directors' notebook and available as a handout.

Accounts Payable - Mr. Meismer reported that the Accounts Payable report was in the Directors' notebook and available as a handout, and that he had reviewed the Accounts Payable and found the report to be in order.

Mr. Meismer moved that the Financial Statement for June 2010 be received and placed on file for audit and to approve payment of the invoices presented on July 8, 2010 in the amount of \$69,275.77. Mr. Petersen seconded the motion. The motion carried. (Motion #3)

Aye: Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren,
Wiseman

Nay: None

Absent & Excused: Hansen, Margritz, Weaver

Budget Status – No report presented.

Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the August 12, 2010 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented during the August 12, 2010 board meeting.

Audit for 2010 Fiscal Year – Mr. Miller reported that the accounting firm of McChesney, Martin, Sagehorn, who has prepared the audit for the TPNRD since 1985, have chosen to not do governmental audits. Mr. Miller reported that the firm did not notify the TPNRD until July 8, 2010 that they had chosen to not do governmental audits, due to a mistake within the firm when letters were sent several months back to their governmental clients.

Mr. Miller reported that requests for proposals will be sent to accounting firms within the TPNRD who do governmental audits. Mr. Miller reported that proposals received will be presented during the August 12, 2010 Board meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts – Board of Directors Meeting – No report presented.

Nebraska Association of Resources Districts – Annual Conference, September 27-28, 2010, Kearney NE - Schedule – Mr. Meismer reported that the Nebraska Association of Resources Districts annual conference would be held September 27-28, 2010 in Kearney, NE. Mr.

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Meismer, Mr. Rubenthaler, Mrs. Dimmitt, and Mr. Miller reported that they planned to attend.

Nebraska Association of Resources Districts – Annual Conference, September 27-28, 2010, Kearney NE - Resolutions – Mr. Meismer reported that the deadline for submitting resolutions to the Nebraska Association of Resources Districts office for the conference is mid-August. Mr. Meismer reported that any resolutions submitted after that date would need a two-thirds vote for consideration during the conference.

Sandhills Resources, Conservation & Development Council – No report presented.

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs - NE Soil & Water Conservation Program – No report presented.

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' Board notebook was a report, and that \$9,200.00 was available for new contracts.

Tree Programs – No report presented.

Range Programs – No report presented.

Water Programs – No report presented.

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – No report presented.

Regulatory Programs – No report presented.

Information & Education Programs – No report presented.

Brule Watershed – No report presented.

Interlocal Cooperation Agreements – No report presented.

Hazard Mitigation Plan – No report presented.

Requests for Authorization to Travel – None presented.

Meetings and Dates of Interest – Mr. Miller reported that various items of information were in the Directors' packet.

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Miscellaneous Information – Mr. Miller reported that various items of information were in the Directors packet and in the Directors’ notebook.

BUDGET FOR 2011 FISCAL YEAR

Preparation Schedule – Mr. Miller reported that in the Director’s packet was a schedule for preparing the 2011 Fiscal Year Budget for the TPNRD. Mr. Miller reported that the schedule provides for Board review of the first draft of the Budget during the June Board meeting and provides the Board four opportunities to review and discuss the Budget prior to final approval.

Review Draft #2 – Mr. Miller reported that in the Director’s packet and available as a handout was the second draft of a budget for the 2011 Fiscal Year. Mr. Miller reviewed the information for the proposed budget for the 2011 Fiscal Year.

OTHER BUSINESS

There was no other business.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, August 12, 2010 at 7:30 pm CDT (6:30 pm MDT) at W.W. Wood Building on the North Campus of the North Platte Community College, 1101 Halligan Drive, North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 8:45 pm CDT (7:45 pm MDT).

Jerry Weaver, Secretary